

City of Sandy Springs Board of Ethics Meeting held January 13, 2010.

Call to Order

Chairman Moffett called the meeting to order at 9:01 a.m.

Roll call and establishment of quorum

City Clerk Michael Casey called the roll.

Board Members Present: Glenn Moffett, Charles Maddrey, Andrew Heyward, Kirk Childs, and Dick Isenberg. **Alternate(s):** Ted Sandler

Staff and Representatives Present: Michael Casey and Kathy Williams

Ruling on Quorum

Quorum was in place for meeting.

Approval of Meeting Agenda

Motion and Vote: Charles Maddrey moved to approve the Agenda as submitted. Dick Isenberg seconded the motion. The motion carried unanimously.

Approval of Board of Ethics meeting minutes or other legal documents regarding Board year 2009

Motion and Vote: Charles Maddrey moved to approve the October 14, 2009 meeting minutes. Kirk Childs seconded the motion. The motion carried unanimously.

Approval of Board meeting schedule for 2010

Motion and Vote: Kirk Childs moved to approve the Board Meeting Schedule for 2010. Dick Isenberg seconded the motion. The motion carried unanimously. The meeting dates for this year are January 13, April 14, July 14, and October 13.

Committee Reports

Education Committee

Charles Maddrey stated the Board discussed the definition of Public Servant at the October 14, 2009 meeting. The definition of Public Servant means the Mayor, Public Council, and Municipal Court Judges. Judges, when presiding, are excluded from the ordinance. It had been suggested to change that language to make an amendment to the Ethics Ordinance. Attorney Kathy Williams pointed out this is covered in section 2.107 of the Ordinance which reads, "This ordinance applies to all public servants as the term is defined in this ordinance and it shall not apply to a municipal judge when the judge is acting in a judicial capacity." Board Member Maddrey stated it is not worth sending an amendment to change the ordinance for just this item. However, at the end of the year when recommendations are made to Council for other changes, the definition of Public Servant should be changed to make certain that it is consistent.

Ethics Board 2009 Annual Report

Glenn Moffett stated this annual report to the Mayor and City Council of Sandy Springs is hereby submitted and approved by the Ethics Board January 13, 2010 as of December 1, 2009. As required by Section 2.151(1) (d) of the Ethics Ordinance of the City of Sandy Springs, the following Annual Report lists the most important actions and activities of the Ethics Board for 2009, as follows:

1. In addition to the four scheduled quarterly meetings of the Ethics Board during the calendar year as required by the ordinance, several special meetings of the Board or its committees were called particularly dealing with the amendments and updating of Rules of Procedures and the Ethics Ordinance. The Board approved several changes concerning both substantive and procedural matters. Although the Board unanimously voted not to change the definition of "public servant" which was part of the original Ethics Ordinance approved by the City Council on October 17, 2006, it was the Council's decision to exclude employees and contract employees from the definition of Public Servant. This action effectively removed the Ethics Board as a final oversight of ethics violation involving said individuals. However, the opinion of the Board of Ethics on this subject has not changed as it firmly believes that the Ethics Ordinance should provide the minimum standards for ethics issues for all people associated with the City of Sandy Springs. It is hoped that the Council will reconsider the Board's position on this important matter again in the future and the Board is set to bring it back up again this year.
2. The Education Committee, chaired by Charles Maddrey, has been very active in producing an ethics brochure which briefly describes the Code of Ethics and Standards of Conduct for dissemination among the committees and groups of the City. The Board acknowledges the cooperation of the Department of Human Resources and other departments of the City including the City Attorney and his staff in the production and dissemination of this brochure.
3. There have been no ethics complaints filed with the Board during the calendar year 2009.
4. Alternate Board member, Susan Langlais, who was appointed to the Board, was subsequently required to resign as she was appointed as an Assistant Solicitor for the City. The Mayor and Council have since appointed Mr. Ted Sandler as an alternate to serve in her place.
5. The quarterly meetings of the Board have been scheduled for the calendar year 2010 as follows: January 13, April 14, July 14, and October 13.
6. The Mayor and Council will need to add another individual to the Board, as provided by the Ordinance, as Chairman F. Glenn Moffett, Jr., is completing his service as a member.

Glenn Moffett asked if there were any changes needing to be made to the Annual Report.

Motion: Charles Maddrey moved to approve the 2009 Annual Report. Andrew Heyward seconded the motion.

Charles Maddrey stated he was extremely pleased to see item number one in the report and he applauds the Chairman for including it. He stated it is a topic he feels strongly about and it is a fight that doesn't end. The Ordinance leaves a lot of gaps such as who the new Department of Human Resources reports to.

Charles Maddrey asked if the report should include filling the alternate position or if that should be a separate communication.

Glenn Moffett stated he would include that communication in his cover letter.

Charles Maddrey stated the thinking is that alternate one would replace a retiring member so the Board has continuity. There is no question that this is an appointed position and the Mayor appoints it.

Vote: The motion to approve the 2009 Annual Report carried unanimously.

Old Business – Brief review of Board Year 2009

Glenn Moffett stated that the Board had not had a very exciting year compared to the year before, but they had done a lot working on the procedures and by-laws. He feels the Board is prepared for anything that may come its way.

Charles Maddrey stated that there had not been any complaints to the Board about the election.

New Business – Election of Chairman and Vice Chairman for 2010

Glenn Moffett stated it is policy that the Vice Chairman moves to the Chairman position, but that is not in the Board's official requirements. He asked for nominations for Chairman of the Board for 2010.

Andrew Heyward nominated Dick Isenberg. Dick Isenberg declined the nomination.

Nomination and Vote: Charles Maddrey nominated Kirk Childs. Dick Isenberg seconded the nomination. The nomination carried unanimously. Kirk Childs was appointed as Chairman.

Kirk Childs assumed the Chairman's duties immediately after the vote.

Kirk Childs opened nominations for Vice-Chairman.

Nomination and Vote: Dick Isenberg nominated Andrew Heyward. Charles Maddrey seconded the nomination. The nomination carried unanimously.

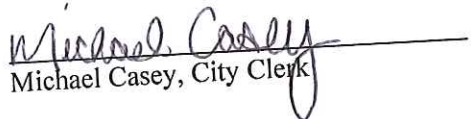
Kirk Childs presented a plaque to Glenn Moffett for his service to the City and on the Board.

Adjournment

There being no further discussion, the meeting adjourned at 9:25am.


Glenn Moffett, Chairman 2009


Kirk Childs, Chairman 2010


Michael Casey, City Clerk